

CHALOS, O'CONNOR & DUFFY, LLP  
Attorneys for Plaintiff,  
TERSAN TERSANECILIK TASIMACILIK SAN VE TIC A.S.,  
366 Main Street  
Port Washington, New York 11050  
Tel: (516) 767-3600  
Fax: (516) 767-3605  
Owen F. Duffy (OD-3144)  
George E. Murray (GM-4172)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TERSAN TERSANECILIK TASIMACILIK  
SAN VE TIC A.S.,

**JUDGE CROTTY**

Plaintiff,

**08 08 CV 4996**

v.

FMG TRADING LTDA,

**ATTORNEY'S AFFIDAVIT  
THAT DEFENDANT  
CANNOT BE FOUND  
WITHIN THE DISTRICT**

Defendant.

-----X

STATE OF NEW YORK :  
: ss,  
COUNTY OF NASSAU :

This affidavit is executed by the attorney for the Plaintiff, TERSAN  
TERSANECILIK TASIMACILIK SAN VE TIC A.S., in order to secure the issuance of a  
Summons and Process of Attachment and Garnishment in the above-entitled, *in  
personam*, Admiralty cause.

George E. Murray, being first duly sworn, deposes and states:

1. I am an associate of the firm of Chalos, O'Connor & Duffy LLP  
representing Plaintiff TERSAN TERSANECILIK TASIMACILIK SAN VE TIC A.S., in  
this case.

2. I have personally inquired or have directed inquiries into the presence of Defendant FMG TRADING LTDA in this District.

3. I have personally checked with the office of the Secretary of State of the State of New York, using the Secretary of State's Division of Corporations database, and I have determined that, as of May 29, 2008, the Defendant FMG TRADING LTDA is not incorporated pursuant to the laws of New York, is not qualified to conduct business within the State of New York and has not nominated agents for the service of process within New York because the Secretary of State of the State of New York has no records for the Defendant FMG TRADING LTDA

4. I have inquired of Verizon Telephone Company whether the Defendant FMG TRADING LTDA can be located within this District. The Verizon Telephone Company has advised me that the Defendant does not have any telephone number listings within this District.

5. I have further consulted with several other telephone directories on the internet, and I have found no telephone listing or address for the Defendant FMG TRADING LTDA within this District.

6. I have further made several searches on the internet with various search engines and maritime websites, and I have found no indication that the Defendant FMG TRADING LTDA can be found within this District.

7. In that I have been able to determine that the Defendant FMG TRADING LTDA is not based in the District and that I have found no indication that the Defendant FMG TRADING LTDA can be found within this District, I have formed a good faith belief that the Defendant FMG TRADING LTDA does not have sufficient contacts or

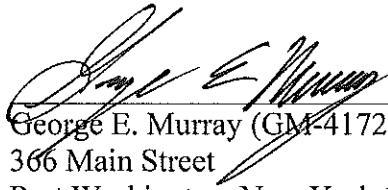
business activities within this District to defeat maritime attachment under Rule B of the Supplemental Rules for Admiralty or Maritime Claims as set forth in the Federal Rules of Civil Procedure.

8. It is my belief, based upon my own investigation that the Defendant FMG TRADING LTDA cannot be found within this District for the purposes of Rule B of the Supplemental Rules for Admiralty or Maritime Claims of the Federal Rules of Civil Procedure.

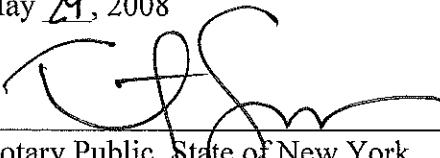
Dated: Port Washington, New York  
May 29, 2008

CHALOS, O'CONNOR & DUFFY, LLP  
Attorneys for Plaintiff,  
TERSAN TERSANECILIK  
TASIMACILIK SAN VE TIC A.S.,

By:

  
George E. Murray (GM-4172)  
366 Main Street  
Port Washington, New York 11050  
Tel: (516) 767-3600  
Fax: (516) 767-3605

Subscribed and sworn to before me this  
May 29, 2008

  
\_\_\_\_\_  
Notary Public, State of New York

TIMOTHY SEMENORO  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 02SE6112804  
QUALIFIED IN NASSAU COUNTY  
COMMISSION EXPIRES JULY 12, 2008